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To: J.B. Robinson

Date: 2nd April, 1985

From: H.W. Gaisch

Number: see distribution

Subject: LUNG CANCER CASES, SWEDEN

This is a comment on your note dated 27th March, 1985, referring to the court cases in Sweden concerning claims against the National Insurance Board alleging an occupational cancer risk from passive smoking.

In order to understand the reasoning in these legal procedures, one has to know that a doctrine of Swedish law determines that cancer is automatically considered to be due to environmental exposure, and more specifically, in the case of a person having exercised a profession, due to occupational exposure.

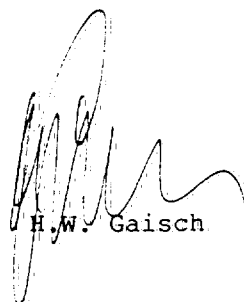
The consequence of this is that whenever a cancer patient files a claim against his employer, the latter has the burden of proof i.e., he has to demonstrate the absence of any cancer-causing exposure at the place of work.

Whenever multiple risk factors are presumed to be present, experts have to rank them on a theoretical basis. If by chance there was no evidence of any "significant" exposure of the employee to any known carcinogen then the exposure to ambient smoke, however small it might have been, is automatically left with the stigma of having been "the cause".

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At a recent international meeting of cancer researchers in Dublin the Swedish legal doctrine outlined above was described by an eminent British scientist as being "patently absurd".

We ought to ensure by appropriate information that any misconception in other countries is avoided where the Swedish cancer cases are discussed.



H.W. Gaisch

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